

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILMINGTON TRUST, NATIONAL ASSOCIATION,
as Trustee, for the Benefit of the Holders of COMM
2016-CCRE28 Mortgage Trust Commercial Mortgage
Pass-Through Certificates, Series 2016-CCRE28,

Plaintiff,

-against-

DAVID CHARLES HARRISON and IAN PAGET,

Defendants,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/18/2025

Case No. 1:24-cv-07373-DEH-HJR

**ESI Plan
and Order**

WHEREAS, all of the parties to this action (collectively, the “Parties” and each individually, a “Party”) desire to agree to a protocol to permit an efficient exchange and review of electronically-stored information and documents (“ESI”) in discovery of this action. The Parties therefore stipulate and agree that the following ESI Plan and [Proposed] Order shall govern the production of ESI in this action.

1. Except for Native File Productions, as defined below, the Parties agree that, in response to any discovery demands served in this action, they will produce ESI in the form of bates-stamped TIFF images, accompanied by corresponding OCR or extracted text files, agreed-upon metadata set forth in the table below, and load files created for a Relativity database as more specifically detailed in Paragraph 2.

2. The Parties agree to produce ESI with appropriate load files with OCR or extracted text files in the same folders as their corresponding TIFF images, named by the beginning Bates number of the corresponding document. The TIFF images should also be Bates numbered and should be produced so as to preserve any parent-child relationships that existed in their native format. For all documents being produced in TIFF format, the Parties agree to produce Standard Group IV, single-page TIFFs at a minimum of 300 dpi. All ESI shall be produced in color. The filename of documents produced in native format shall be the beginning Bates production number. The load file provided with the data will include a DAT file for metadata and an OPT file for mapping the TIFF images to the text files. For documents and emails produced in native format, mapping will be provided in the DAT file for the native file and its corresponding text file. Emails produced in native format will be provided with attachments extracted as separate native documents with unique bates numbers, and the production load file will contain the agreed upon metadata data for such attachments in the DAT file, and the extracted text for the attachments will be provided in a corresponding text file. The Parties agree to use reasonable efforts to de-duplicate on a global level all identical emails prior to production.

3. The agreed-upon metadata to be produced, to the extent available for a given document, shall be produced as follows:

Field Name	Field Description
Begdoc	Start Bates (including Prefix)- No spaces
Enddoc	End Bates (including Prefix)- No spaces
BegAttach	Beginning production number of parent document in a family
EndAttach	Ending production number of last page of the last attachment in a family
Parent ID	Populated for attachments only, this field will display a unique value for the
Child ID	attachment record's parent (all attachments will have the same Parent ID).
Custodian	Custodian(s) Source(s) - formatted Last, first
PGCount	Page count
Author	Author field extracted from the metadata of a non-email message
From	From field extracted from an email message
To	To or Recipient extracted from an email message
Cc	Carbon Copy ("Cc") field extracted from an email message
Bcc	Blind Carbon Copy ("BCC") field extracted from an email message
EmailSubject	Subject line extracted from an email message
Title	Title field extracted from the metadata of a non-email document
Outlook Conversation Index	Email thread identification
Sort Date	Master sort date for email and attachments (MM/DD/YYYY format)
Date Sent	Sent date of email message (mm/dd/yyyy hh:mm:ss format)
Date Created	Create date of email message mm/dd/yyyy hh:mm:ss format)
Date Modified	Last modified mm/dd/yyyy hh:mm:ss format)

Field Name	Field Description
Date Received	Received date of email message mm/dd/yyyy hh:mm:ss format)
Filesize	File Size
File Extension	File extension for email or e-doc
File Name	Original file name of document
Record Type	Email, Attachment, Calendar or e-Doc
Application	Application used to create native file (e.g., Excel, Word)
FilePath	File path storage location of the document or email if the source application allows for the creation of folders.
MD5Hash	MD5 or SHA-1 hash value used to deduplicate the data
Filename	File name
Text Path	Relative path to any OCR or extracted text files in the production set
Doclink	Relative path to any files produced in native format

4. Notwithstanding the foregoing, the Parties agree to produce the following responsive documents in native format, along with a bates-stamped slip sheet corresponding to said native file (“Native File Productions”):

- a. Excel Spreadsheets will be produced in native format and will not be TIFFed.
- b. Documents that would otherwise be produced in native format, but which require redactions, will be produced in TIFF format only.
- c. Video, audio, and .jpg files will be produced in native format.

5. In the event that either party is in possession of responsive documents in the following file types, the Parties agree to meet and confer to ensure the production of such documents is not unduly burdensome and to determine what document format should be utilized to minimize costs and burdens on the parties while allowing for meaningful review:

- a. CPM Schedules in Primavera 6 and Microsoft Project (or similar scheduling software).
- b. 3-D models, CAD drawings.

6. In connection with any subpoena *duces tecum* served in this action, the serving Party shall (i) provide the subpoenaed party with a copy of this ESI Plan and Order; and (ii) provide all other Parties with copies of any documents produced in response to such subpoena in the same format as produced by the subpoenaed party.

7. The undersigned Counsel for the Parties certify that they are sufficiently knowledgeable in matters relating to their clients' technological systems to discuss competently issues relating to ESI, or have involved someone competent to address these issues on their behalf.

SO STIPULATED AND AGREED.

Dated: February 14, 2025
New York, New York

DUANE MORRIS LLP

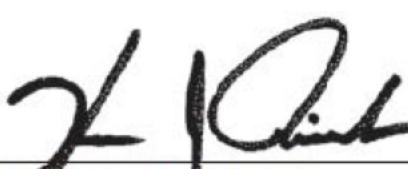
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Dated: February 18, 2025
New York, New York


Hon. Henry J. Ricardo
United States Magistrate Judge

